

BOARD OF ADJUSTMENT

June 7, 2022

MEMORIAL BUILDING

7:00 P.M.

Zoning Members present: Susan Chiarella, Tanner Jacques, Cody Patten, Bryan O'Day and Rob Thorp.

Also present: Whit Smith, Poul Heilmann and Clayton Davis

Susan called the meeting to order at 7:00 p.m.

The Board approved the May 3, 2022, minutes.

At 7:10 Susan opened the Special Exception hearing for TAP Properties LLC. Tanner made a motion to accept the application as complete, Cody seconded, the Board approved.

Mr. Clayton Davis presented that TAP LLC would like to operate 140 Woodcrest Road as a Short Term Rental Guest Facility within the Rural Residential Zone. Business is generated through the use of Airbnb.com, VRBO.com and local real estate agents. There are 4 bedrooms with 5 beds and 3 bathrooms to accommodate a total of 8 people. Mr. Paravati does occasionally use the residence when vacation time permits as he lives fulltime in Ohio. The current rental activity is 3 nights a week normally Friday through Sunday. There is parking for 5 vehicles including a garage.

Susan read into the minutes the following letter from Mr. Peter Spath:

To the Zoning Board of Adjustment:

We are writing this letter to the Zoning Board of Adjustment in objection to the approval for the special exception of TAP Properties LLC. Not specifically related to the property owners or their desire to rent their property on a temporary basis but specifically due to the implications this could have on the lake and similar properties within the town. Should the board approve this special exception it will set a precedent and in the event another property owner's request be denied could put the town at risk of litigation. My family have been taxpayers and property owner's within the Town of Springfield since the early eighties and one of the main reasons we chose this location was due to the quiet enjoyment and close community it provides and we feel this could have a significant effect on that environment.

The access to the property is a private road not maintained by the town but by the property owner's. It is not appropriate for the balance of the property owner's to incur the additional cost to maintain the road due to increased traffic. The road is a gravel road and is highly sensitive to the freeze thaw cycles in springtime. This would require additional maintenance or even road improvements which we are not prepared to make.

Creating a revolving door for individuals that are not personally vested in the town or are residents of the lake community will allow for unvetted individuals to case other residences and put their properties and homes at risk. Our home was broken into several years ago and had the mechanical systems severely damaged which as a result cost us substantial expense to repair and prevented us from enjoying the use of our home.

Additionally, our family has owned commercial and residential rental properties for over twenty years and the very nature of these lease's can be exceptional, good, poor or worst case the tenant forces us to get

the attorneys involved. Our property and the location has provided us the means and ability to rest and recharge ourselves, we do not want to see that change now or in the near future.

Sincerely:

Peter A. Spath, Sr.
Peter A. Spath, Jr.
133 Woodcrest Road
Springfield, NH 03284
Peter A. Spath, Jr. - 860-921-7346
Peter A. Spath, Sr. - 203-395-2664

The Board asked Mr. Davis what exactly his involvement is with the property. He responded that he does property maintenance, landscaping, and cleaning when renters leave the property. He does not interact with the renters unless he sees them while doing landscaping. Keys are left for renters in a lockbox that uses a unique code for each renter. He does not screen or have anything to do with check in or check out procedures. When asked about fencing or any barrier between the property and the neighbors he responded that there is none. The Board questioned if wintertime rentals occurred and to his knowledge there had not been any but didn't see why there couldn't be. Concern was then raised by a member of the Board about snowmobiles and/or boats and if those were brought in where the trailers would be parked because of the limited space.

The tax assessment card was provided to the Board showing that the property had 2 bedrooms and it shares a 4 bedroom septic system with the neighboring 2 bedroom property. This raised concern with the Board as to overloading of the septic by one property which could adversely affect the other property owner. Another concern is the location of the property and the private road it is located on.

Susan closed the hearing at 8:02 for deliberations and discuss the 5 criteria for approval or denial.

- A. That the use will not be detrimental to the character of enjoyment of the neighborhood by reason of undue variation from the character or appearance of the neighborhood.
The property is advertised on VRBO among other internet sites as accommodating 8 people with vetting of the occupancy occurring only by VRBO (as explained by the applicant. The proposed use would be detrimental to the character of the neighborhood.
- B. That the use will not be injurious, noxious, or offensive, and thus detrimental to the neighborhood.
This activity is commercial in nature and is not in concert with the rural residential zone the property is located.
- C. That the use will not be contrary to the public health, safety or welfare by reason of undue traffic congestion or hazards, undue risk to life and property, unsanitary or unhealthful emissions or waste disposal, or similar adverse causes or conditions.
The shared 4 bedroom septic system, as noted on the property card, may not be adequate for the proposed activity.
- D. The location and size of the use, the nature and intensity of the operations involved, the size of the site in relation to the proposed use and the location of the site with respect to the existing or future road giving access to it shall be such that it will be in harmony with the orderly development of the District.
Fits these conditions
- E. Operations in connection with such a use shall not be more objectionable to nearby properties by reason of noise, fumes, odor, or vibration, than would be the operation of any permitted uses in this District which are not subject to special exception procedures.

Fits these conditions.

Tanner moved to deny the application due to not meeting all five of the criteria for approval of a Special Exception. Rob seconded the motion Board vote unanimously in favor of the denial.

Mr. Davis was informed that his client has 30 days in which to appeal the decision.

Submitted by,

Tamara Butcher
Administrative Assistant